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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,972	04/16/2001	Luosheng Peng	10480-012-999	8464

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EXAMINER

AMSBURY, WAYNE P

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/03/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,972

Applicant(s)

PENG, LUOSHENG

Examiner

Wayne Amsbury

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

CLAIMS 1-24 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 12/17/03 have been fully considered but they are not persuasive.

The main points proffered by the Applicant are that Reisman fails to search a local database at a mobile device for a matching record, fails to determine if a set of files is out-of-date or a scheduled update is overdue, fails to update a set of files if it is out-of-date, and fails to perform a status check. All of these points are addressed in the expanded rejections below.

3. Claims 1-3, 9, 13-15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Reisman, US 5,694,546, 2 December 1997.

As to **claim 1**, Reisman is directed to the transmission of updates and other information [COL 5 lines 32-38], to user stations that may include those on wireless networks [COL 1 line 62 to COL 2 line 7], and which correspond to mobile devices. Local storage of periodic or otherwise temporary information at a user station corresponds to the use of a cache in the claims.

(It is noted, however, that the body of the claims do not involve the use of a cache; a cache merely serves as a general context in the preamble of the independent claims, and as such carries no patentable weight. Further, for the sake of completeness and compact prosecution, it is noted that FIG 1 contains multiple candidates for a cache distinct from the user database: Information Object 46, Read-only Product Information 16, Information Module 18, and an adjunct file system for the local database 12 if it has one, as many do.)

A fetch operation by a user to update collections of information is received by an information transport function that corresponds to a call for loading a set of files [COL 6 lines 14-24; FIG 1; COL 12 lines 7-15]. Such objects to be fetched must be located and thus correspond to searching a database for a matching record [COL 6 lines 24-47]. Reisman is directed to periodicals and other information that is scheduled for update [COL 6 lines 53-61; COL 16 lines 5-10; EXAMPLE 1 COL 19-20]. The status of out-of-date or overdue items is necessarily checked as needed [COL 31-45; COL 6 lines 53-61, and elsewhere]. A fetch operation loads files as its prime directive.

In more detail, the workstation can be a mobile device as noted above. The local database searched for a matching record is the Read-Only Product Information 17 of FIG 1. This is clearly on the user side of the communications network, not on the server side. In the preferred embodiment it is a CD-ROM. The passage cited above clearly indicates that the files are determined to be out-of-date or a scheduled date has been passed [COL 6 lines 58-61 in particular for the latter]. This clearly updates the files if out-of-date as well.

Status checks were addressed in the citations above, but note the numerous references to status codes and status checks [COL 13 lines 43-44; COL 14 lines 52-53; COL 15 lines 27-32 and so on]. IT is also noted that updates can be automated [COL 5 lines 32-38, or at user convenience [COL 6 lines 14-23 and elsewhere].

As to **claim 2**, Reisman teaches that storage of (decompressed files) occurs after a call is disconnected.

As to **claim 3**, Reisman clearly teaches opening communications with a remote server, including the use of a communications module **36**, and the claimed handshake processes are an integral part of many of the systems discussed and the citations above.

The importing of updates that comprises additional information and/or new information to be combined with old information corresponds to difference files for updating a set of files [COL 11 line 55 to COL 12 line 15]. This correspondence is particularly strong since the claim is of a difference file for updating a **set** of files, rather than the difference between two versions of a single file as is sometimes the case.

As to **claim 9**, Reisman provides some of the housekeeping details of the communication handshake, including verification of various parameters of a fetch, which correspond to status checks [COL 16 lines 5-10 and elsewhere].

The elements of **claims 13-15 and 21** are rejected in the analysis above and these claims are rejected on that basis.

4. Claims 4-8, 10-12, 16-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman, US 5,694,546, 2 December 1997.

As to **claim 4**, Reisman does not specify the detailed steps of using a difference file in the specific manner of the claim, but the steps correspond to getting the difference file and a set of files, applying the difference file to the set, storing the updated file set, removing the out-of-date copy of the file set, and then removing the difference file from memory. It would have been obvious to one of ordinary skill in the art at the time of the invention to carry out these steps because they are either inherent or space saving with regard to using a difference file.

As to **claim 5**, the purpose of updating a set of files is to use them, and as they are already stored [claim 4], removing them frees RAM for other use.

As to **claim 6**, the differences in a difference file for a set of files are clearly those that specify those to be added, modified, or deleted.

As to **claim 7**, Reisman provides a number of examples of information services that broadcast messages concerning available data and updates [BACKGROUND]. As to **claim 8**, there must be some way of distinguishing out-of-date files.

The elements of **claims 10-12, 16-20 and 22-24** are rejected in the analysis above, and these claims are rejected on that basis.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER